IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Box PCT
VOS et al	)	Examiner:
Appln. No.: 09/857,408	)	
IA No.: PCT/NL99/00743	)	Washington, D.C.
IA Filed: December 3, 1999	)	September 10, 2001
For: ARRAY AND METHOD FOR ANALYZING NUCLEIC ACID SEQUENCES	)	Atty.Docket: VOS=2

RESPONSE TO NOTIFICATION TO COMPLY WITH SEQUENCE LISTING REQUIREMENTS

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notification to Comply dated July 10, 2001, and prior to the examination of the above-described application, please amend the present application as follows:

IN THE SPECIFICATION

Please replace the paragraph beginning at page 27, line 18, with the following rewritten paragraph:

--The paragraph beginning at line 18 of page 27 has been amended as follows:

Each primer of an APC can be represented schematically as:

C2

5'- AAAAAAAAAAAAA - RRR - NNN -3' (SEQ ID NO:39)

in which N is a nucleotide corresponding to the adapter sequence, R is a nucleotide corresponding to the restriction sequence, N is a selective nucleotide (the number of nucleotides

A, R, and N may vary and may be different than shown); or alternatively as

[adapter] - [restr. enzyme] - NNN

in which [adapter] is the adapter sequence, [restr. enzyme] is the restriction sequence, and N is a selective nucleotide.--

IN THE SEQUENCE LISTING

Please enter the attached Sequence Listing, numbered as pages 1-9.

REMARKS

Applicants have added into the present specification a new paper copy Sequence Listing section according to 37 C.F.R. §1.821(c) as new pages 1-9. Furthermore, attached hereto is a 3 1/2" disk containing the "Sequence Listing" in computer readable form in accordance with 37 C.F.R. §1.821(e).

Applicants have amended the specification to insert SEQ ID NO:39, as supported in the present specification.

The following statement is provided to meet the requirements of 37 C.F.R. §1.821(f) and 1.821(g).

I hereby state, in accordance with 37 C.F.R. §1.821(f), that the content of the attached paper and computer readable copies of the sequence listing are believed to be the same.

I hereby also state, in accordance with 37 C.F.R. §1.821(g), that the submission is not believed to include new matter.

Under U.S. rules, each sequence must be classified in <213> as an "Artificial Sequence", a sequence of "Unknown" origin, or a sequence originating in a particular organism, identified by its scientific name.

Neither the rules nor the MPEP clarify the nature of the relationship which must exist between a listed sequence and an organism for that organism to be identified as the origin of the sequence under <213>.

Hence, counsel may choose to identify a listed sequence as associated with a particular organism even though

that sequence does not occur in nature by itself in that organism (it may be, e.g., an epitopic fragment of a naturally occurring protein, or a cDNA of a naturally occurring mRNA, or even a substitution mutant of a naturally occurring sequence). Hence, the identification of an organism in <213> should not be construed as an admission that the sequence *per se* occurs in nature in said organism.

Similarly, designation of a sequence as "artificial" should not be construed as a representation that the sequence has no association with any organism. For example, a primer or probe may be designated as "artificial" even though it is necessarily complementary to some target sequence, which may occur in nature. Or an "artificial" sequence may be a substitution mutant of a natural sequence, or a chimera of two or more natural sequences, or a cDNA (i.e., intron-free sequence) corresponding to an intron-containing gene, or otherwise a fragment of a natural sequence.

The Examiner should be able to judge the relationship of the enumerated sequences to natural sequences by giving full consideration to the specification, the art cited therein, any further art cited in an IDS, and the results of his or her sequence search against a database containing known natural sequences.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made".

Applicants submit that the present application contains patentable subject matter and therefore urge the examiner to pass the case to issuance.

If the examiner has any questions or comments concerning the above described application, the examiner is urged to contact the undersigned at the phone number below.

Respectfully submitted,

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